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CONCORD, N.H.

Mr. Leonard S. Hill, Business Supervisor
Department of Administration and Control
State House
Concord, New Hampshire

Dear Sir:

You have inquired as to the proper procedure for the transfer of non-resident children from the Laconia State School to the state of residence.

In view of the fact that the legislative intent is to care for the feeble-minded children of this state, it is my opinion that, whenever possible, the Trustees of the School may enter into agreements with similar institutions of other states for the transfer of such children. I suggest that the Commission of Mental Health is constantly engaged in such transfers and may well be able to assist the Trustees in securing approval for such transfers from the receiving institution.

Children committed to the Laconia State School may be detained in custody as long as may be for the best interests of the inmates concerned and of the community. The responsibility for retaining and for discharging children lies within the clear province of the Board of Trustees, R.L., c. 129, s. 17. In the event that the parents of an inmate remove from this state, and the new state accepts the responsibility of care of the child, I believe that the Trustees may properly discharge him and effect the transfer.

While the ultimate authority over the Laconia State School rests with the Governor and Council, the discharge or transfer of patients is properly decided by the Board of Trustees.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T